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PAGE 17, RCV'D AT 3/28/2005 3:36:50 PM [Eastern Standard Time], SVR:USPTO-EXRF-11, DMS:8729306, CSID:, DURATION (MM-SS):02-12



VERTICAL CIRCUITS INCORPORATED

2005 APR -4 AM 8:27 P T O N E (831) 438-3887  
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TO: Commissioner FROM: William Kuncz  
COMPANY: USPTO DATE: 3/28/05  
FAX NUMBER: 703/872-9306 TOTAL NO. OF PAGES INCLUDING COVER: 7  
PHONE NUMBER:  SENDER'S PHONE NUMBER: 831/438-3887 x 133  
RE: Petition for Unavoidable Delay

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

10 VICTOR SQUARE SUITE 100  
SCOTTS VALLEY, CA 95066

Vertical Circuits, Inc.  
10 Victor Square, Suite 100  
Scotts Valley, CA 95066  
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25 March 2005

US Patent & Trademark Office  
Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: Expired Patent 6,134,118 Issued 10-17-2000

Dear Commissioner,

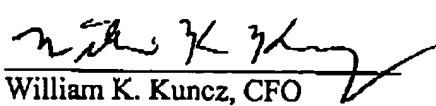
On March 16, 2005, it came to our attention that the above patent expired on November 17, 2004 due to non-payment of the four year maintenance fee due by 10/18/2004. After our investigation and consultation with our patent lawyer, it is our desire to pay the necessary fees immediately and petition for an unavoidable delay per 37 CFR 1.378(b). Following is the required showing statement that we feel demonstrates our 'reasonable care' to pay this fee, as well as others due, in a timely manner.

In 2003, Vertical Circuits, Inc., a small entity, elected to take over the payment of our patent maintenance fees, which were previously handled by our patent attorney, in the interest of control and managing company expenses. At the time, our accounting system could not schedule payments four years into the future, so an alternate method was developed using Microsoft Outlook. The initial conversion of our seventeen patent fee schedules and the complexity of the schedules themselves caused the data to be erroneously entered for the above patent resulting in a scheduled payment that was beyond the four year due date.

We became aware of the expired patent through a regularly scheduled auditing procedure that was established for this very purpose. It is our belief that this late payment is an isolated incident resulting from the initial conversion process, as well as, the volume and complexity of patent fee schedules Vertical Circuits, Inc. currently maintains. By comparison, since 2003, we have successfully paid the fees due on ten other patents on file and our recent audit indicated that six others have been accurately scheduled for payment in the near future.

Enclosed is payment for the patent fee and the surcharge currently due. It is our hope that you find everything in order and can reinstate our patent.

Sincerely,

  
William K. Kuncz, CFO  
Vertical Circuits, Inc.

A TRW affiliate company  
"built on heritage"